

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Section 708,
Title 14, California Code of Regulations
Re: Big Game License Tag, Application, Distribution and Reporting Procedures

I.Date of Initial Statement of Reasons: January 5, 2005

II.Dates and Locations of Scheduled Hearings:

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| (a) Notice Hearing: | Date: February 4, 2005
Location: San Diego, California |
| (b) Discussion/Adoption Hearing: | Date: May 5, 2005
Location: Sacramento, California |

III.Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Update Application Form References and Dates

Existing regulations reference the 2004/2005 hunting license year including outdated revision dates on hunting application forms for deer, Nelson bighorn sheep, antelope, elk and bear. Leaving these outdated references will create an inconsistency between the actual forms and regulatory language. The proposed changes would update references to the application forms in order to reflect the new license year and form revision dates, thereby eliminating any confusion.

2. Update Application and Tag Fees

Existing regulations provide fees for various big game applications and tags including: deer tag exchange fees; and application and tag fees for bighorn sheep, antelope and elk. Pursuant to Section 713, Fish and Game Code, these fees are adjusted annually based on a calculated cost-of-living adjustment. The proposed changes would update fees listed in Section 708 for consistency with Section 713 adjustments.

3. Clarify the Age Requirements for Big Game Drawing Applicants

Existing regulations require Big Game Drawing applicants be 12 years of age at the time of application (16 years of age for sheep), which causes confusion for the public and results in a number of junior hunters applying for the drawing being rejected based upon the day they apply rather than the license validity date. The proposed change would allow Big Game Drawing applicants to be 12 years of age (16 years of age for sheep) on or before July 1 of the license year for which they are applying.

4. Modify Tag Payment Requirements for Alternate Antelope and Elk Applicants

Existing regulations require alternate elk and antelope applicants to submit tag fee payments at the same time as successful applicants. This requires hunters to pay for a tag they are not likely to receive. In addition, the department must deposit the tag payments received and process refunds for alternates not selected for a tag. The proposed change will allow the department to collect tag fees from alternates only if a tag will be awarded.

5. Modify Language to Require Applicants to Notify the Department of Corrections to their Date of Birth

Existing regulations require applicants to notify the department in writing of corrections to their name, address and hunter identification number on record with the department; however, date of birth was inadvertently omitted. Without this change the department may be unable to identify hunters and track and maintain preference points accurately. The proposed change will require hunters to notify the department in writing if their date of birth on record with the department is incorrect.

6. Delete the 10-year Waiting Period to Apply for a Buck Antelope Tag

Existing regulations prohibit hunters from applying for a buck antelope tag if they were drawn for a buck antelope tag in the previous 10 years. This regulation was created prior to the implementation of a preference point drawing system to help ensure that hunters who received a buck antelope tag did not receive another tag before hunters who had not been drawn. As a result of the preference point drawing system this regulation is no longer needed. It's estimated that the wait period for a hunter drawn under a preference point system may exceed the 10-year period.

7. Delete the Reference that Specifies that Big Game Applications must be available from License Agents and Regular Department Offices

Existing regulations specify that big game applications must be available at license agents and regular department offices, which is inconsistent with current practice. There are a number of license agents that do not sell hunting items and some department offices do not sell licenses. The proposed change will remove the reference requiring these items be available at all license agents and department office and will allow the department to designate the license agents and department offices where these items are available.

8. Delete Reference to Mailing Address for Leftover Drawing Tags

Existing regulation requires hunters to mail their applications for leftover drawing tags to the department's License and Revenue Branch, in Sacramento. This limits the accessibility for hunters to obtain these tags. Historically, there are several area-specific archery hunts that do not fill in the drawing each year which could be obtained from other designated department offices. The proposed change will allow the department to specify where leftover drawing tags may be obtained.

9. Change the Name of the One-Deer Tag Application

Existing regulations specify the name of the hunter's first deer tag application of the license year as a one-deer tag application. This name was inherited from the early 1970's when a hunter purchased a one-deer tag application for one deer tag and a two deer tag

application for two deer tags. However, in the late 1980's the license tag structure was changed requiring hunters to purchase two deer tag applications (a one-deer and a second-deer) if they wanted two deer tags. As a result of this change the name of the two deer tag application was changed to a second-deer tag application. However, the name of the one-deer tag application was never changed to a first-deer tag application. The proposed change will modify the name of the one-deer tag application to a first-deer tag application.

10. Change in Days for Department to Run the Drawing

Existing regulations require the department to run the big game drawing within 10 calendar days of the drawing deadline. Leaving this date could increase the department's administrative costs. The proposed change will modify the days to business days rather than calendar days.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 215, 219, 220, 331, 332, 1050, 1572, 4302, 4331, 4336, 4340, 4341 and 10502, Fish and Game Code.

Reference: Sections 200-203.1, 207, 210, 215, 219, 220, 331, 332, 713, 1050, 1570-1572, 3950, 3951, 4302, 4330-4333, 4336, 4340, 4341, 4652-4655, 4657, 4750-4756, 4902, 10500 and 10502, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

2004 Final Environmental Documents Regarding the Hunting of Deer, Pronghorn Antelope, Elk, Bear and Wild Pig.

2005 Draft Environmental Documents Regarding the Hunting of Bighorn Sheep.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department conducted a public scoping session in Sacramento on December 11, 2003. Public input, discussions and recommendations regarding the environmental document and mammal hunting and trapping regulations were taken at this time.

Additionally, in 2000, the Department of Fish and Game held a total of twenty-three (23) "Deer Stakeholder" meetings throughout the State. The meetings were open to the public and the Department provided information on a variety of deer management strategies and issues including: Deer Assessment Unit (zone complex) planning and tag draw method alternatives. Attendees were asked to participate in a survey and public comment was also received. The Department also conducted four public meetings at which regulation change concepts and specific proposals for mammals, furbearers, including deer were discussed, and additional public comment was received.

While these meetings were conducted prior to the establishment of current and proposed regulations, the concepts and proposals which were derived through these meetings are still being implemented as part of the current year regulatory process.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Update Application Form References and Dates

There is no reasonable alternative to the proposed action.

2. Update Application and Tag Fees

There is no reasonable alternative to the proposed action.

3. Clarify the Age Requirements to Apply for Big Game Drawings

There is no reasonable alternative to the proposed action.

4. Modify Tag Payment Requirements for Alternate Antelope and Elk Applicants

There is no reasonable alternative to the proposed action.

5. Modify Language to Require Applicants to Notify the Department for Corrections to their Date of Birth

There is no reasonable alternative to the proposed action.

6. Delete the 10-year Waiting Period to Apply for a Buck Antelope Tag

There is no reasonable alternative to the proposed action.

7. Delete the Reference that Specifies that Big Game Applications must be available from License Agents and Regular Department Offices

There is no reasonable alternative to the proposed action.

8. Delete Reference to Mailing Address for Leftover Drawing Tags

There is no reasonable alternative to the proposed action.

9. Change the Name of the One-Deer Tag Application

There is no reasonable alternative to the proposed action.

10. Change in Days for Department to Run the Drawing

There is no reasonable alternative to the proposed action.

(b) No Change Alternative:

1. Update Application Form References and Dates

The no-change alternative was considered and found inadequate to attain the project objectives, because inconsistencies between application forms and regulatory language would exist, potentially leading to confusion regarding the correct forms.

2. Update Application and Tag Fees

The no-change alternative was considered and found inadequate to attain the project objectives. Retaining the current fees listed in Section 708 would be inconsistent with adjustments to fees made pursuant to Section 713, potentially leading to confusion.

3. Clarify the Age Requirements to Apply for Deer, Antelope, Elk and Sheep

The no-change alternative was considered and found inadequate to attain the project objectives. Retaining the current requirement that a hunter must be 12 years of age at the time of application would continue to confuse the public and license agents. Many junior hunters are sold applications and apply for the big game drawing under the assumption that they are eligible because they will turn 12 before the license year begins. These junior hunters are rejected from the drawing, which results in confusion and disappointment.

4. Modify Tag Payment Requirements for Alternate Antelope and Elk Applicants

The no-change alternative was considered and found inadequate to attain the project objectives. Retaining the current requirement to collect alternate tag fee payments requires hunters to pay for a tag they probably will not receive (more than 200 alternates were drawn in 2004 with approximately 10 tags being awarded) and having to wait a minimum of 12 weeks to receive a refund. This results in upset hunters and additional work for the department to track and process these payments.

5. Modify Language to Require Applicants to Notify the Department of Corrections to their Date of Birth

The no-change alternative was considered and found inadequate to attain the project objectives to accurately track and maintain hunter's preference points. Each year hunters submit applications for the Big Game Drawing and at times may enter inaccurate information including their date of birth. This creates multiple records in the department's database which makes it very difficult to identify and merge these records. This could jeopardize a hunter's opportunity to be drawn for a tag if his/her preference points are not accurately tracked and maintained.

6. Delete the 10-year Waiting Period to Apply for a Buck Antelope Tag

The no-change alternative was considered and found inadequate to attain the project objectives. Prior to the implementation of the modified preference point big game drawing system, hunters who were successful in drawing a buck antelope tag were prohibited from reapplying for any buck antelope hunts for a ten (10) year period. Computer simulations utilizing the modified preference point system regulations and current population data indicate that the average antelope hunter will wait from between ten (10) to twelve (12) years to draw a second buck antelope tag. Continuing the current ten (10) year waiting period in conjunction with the modified preference point system unfairly penalizes hunters previously successful in drawing a tag by increasing the average wait between tags to an unrealistic 20-22 years.

7. Delete the Reference that Requires Big Game Applications to be available from License Agents and Regular Department Offices

The no-change alternative was considered and found inadequate to attain the project objectives. Retaining the language which requires big game applications to be available from license agents and department offices may confuse the public since a number of license agents and some department offices do not sell hunting items.

8. Delete Reference to Mailing Addresses for Leftover Tags

The no-change alternative was considered and found inadequate to attain the project objectives to provide accessibility of license items to the public. Hunters are required to submit their applications for leftover tags to the License and Revenue Branch in Sacramento, which could prohibit them from obtaining tags to hunt in a specific area on short notice, potentially leading to frustration and disappointment by the hunter.

9. Change the Name of the One-Deer Tag Application

The no-change alternative was considered and found inadequate to attain the project objectives. The name of the first deer tag application is outdated, which causes confusion for the license agents who are selling the items and the hunters who are attempting to use the correct application to apply for the drawing.

10. Change in Days for Department to Run the Drawing

The no-change alternative was considered and found inadequate to attain the project objectives. Leaving this date would require the department to run the drawing within 10 calendar days which could increase the department's administrative costs. The proposed change will modify the days to business days rather than calendar days.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action updates administrative procedures, form references and revision dates for clarification within the regulation, provides consistency with Fish and Game Code; adjusts fees pursuant to Section 713, and is economically neutral to businesses.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on Private Persons:

The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

(f) Programs Mandated on Local Agencies or School Districts:

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

(h) Effect on Housing Costs:

None.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations reference the 2004/2005 hunting license year and include outdated revision dates on hunting application forms for deer, Nelson bighorn sheep, antelope, elk and bear. Leaving these outdated references will create an inconsistency between the actual forms and regulatory language. The proposed changes would update references to the application forms in order to reflect the new license year and form revision dates, thereby eliminating any confusion.

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Existing regulations specifies that big game applications must be available at license agents and regular department offices, which is inconsistent with current practice. There are a number of license agents that do not sell hunting items and some department offices do not sell licenses. The proposed change will remove the reference requiring these items be available at all license agents and department offices and will allow the department to designate the license agents and department offices where these items are available.

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late 1980's the license tag structure was changed requiring hunters to purchase two deer tag applications (a one-deer and a second-deer) if they wanted two deer tags. As a result of this change the name of the two deer tag application was changed to a second-deer tag application. However, the name of the one-deer tag application was never changed to a first-deer tag application. The proposed change will modify the name of the one-deer tag application to a first-deer tag application.

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